



David B. Cohen
Mayor

CITY OF NEWTON, MASSACHUSETTS
Department of Planning and Development
Michael J. Kruse, Director

Telephone
(617)-796-1120
Telefax
(617) 796-1142
E-mail
mkruse@ci.newton.ma.us

Public Hearing Date:	July 13, 2004
Land Use Action Date:	<i>To Be Determined</i>
Board of Aldermen Action Date:	September 20, 2004
90-Day Expiration Date:	October 11, 2004

TO: Board of Aldermen

FROM: Michael Kruse, Director of Planning and Development
Nancy Radzevich, Chief Planner
Robert Merryman, Senior Planner

SUBJECT: Petition #466-00(2) of NEIL DRUKER and JOANNE MACKINNON for an AMENDMENT TO AN EXISTING SPECIAL PERMIT and SITE PLAN APPROVAL for an Accessory Apartment at 145 HIGHLAND STREET, Ward 3, WEST NEWTON, on land known as Section 32, Block 9, Lot 13, containing approximately 40,615 sq. ft. of land in a SINGLE RESIDENCE 1 DISTRICT.

CC: Mayor David B. Cohen

The purpose of this memorandum is to provide the Board of Aldermen, the Mayor, and the public with technical information and planning analysis which may be useful in the special permit decision making process of the Board of Aldermen. The Planning Department's intention is to provide a balanced view of the issues with the information it has at the time of the public hearing. There may be other information presented at or after the public hearing that the Land Use Committee of the Board of Aldermen will consider in its discussion at a subsequent Working Session.

I. ELEMENTS OF THE PETITION

The petitioner is requesting an amendment to the site plan of Special Permit #466-00(2) which granted the petitioners an accessory apartment in an existing two-story carriage house at 145 Highland Street in West Newton. The accessory apartment is 4,201 square feet in area and is entirely within an existing detached structure. The petitioners lived in the accessory apartment while the main house was being renovated, and have stated that they only intend to use the accessory apartment as a guest house.

On March 17, 2004, the petitioners were issued a stop work order because the property did not comply with the approved plan. The petitioners are seeking approval for the changes to the site through this amendment.

The Chief Zoning Code Official has not completed a final zoning review of this petition, but his draft review appears to be consistent with the issues raised in this memo.

II. **ZONING RELIEF BEING SOUGHT**

The petitioner is seeking an amendment to the site plan of record approved with Special Permit Board Order #466-00(2) in accordance with Sections 30-23 and 30-24 of the Zoning Ordinance.

III. **THE SIGNIFICANT ISSUES FOR CONSIDERATION**

The Board should consider whether the alterations to the site plan are appropriate and whether any of the changes will adversely affect the neighborhood.

IV. **CHARACTERISTICS OF THE SITE AND NEIGHBORHOOD**

A. **Site**

The site consists of a 40,615 square foot lot located at 145 Highland Street, and is currently improved with a 3-story brick single family dwelling, a one-story brick out building and a two-story brick carriage house at the rear of the lot. The existing single family residence is 9,541 square feet, and the carriage house is 4,201 square feet. The front door of the main residence is on the north side of the house facing the driveway.

The subject property is on the southwest corner of the intersection of Highland Street and Ascenta Terrace. Ascenta Terrace is a cul-de-sac developed in the mid-20th century from what appears to have been the gardens of the residence at 145 Highland Street. Ascenta Terrace has been developed with three single-family Colonial-style houses. The site is essentially flat with a gentle slope to the north and has no topographical features of note.

The former 3 car parking area located on the turnaround in front of the carriage house has been removed. Two of the three required parking stalls are located next to the main house and the third stall is now located along the driveway, in the front setback. The petitioners have also added a bank of air conditioners, a retaining wall, and additional landscaping along the northern property line.

B. **Neighborhood**

The neighborhood is characterized by large 2 ½ to 3 story single family residences with detached garage/carriage houses on large lots. The building lots in the neighborhood are similar to the subject property in size, ranging from about 30,000 sq. ft. to more than one acre. The properties located southeast of Highland/Lockwood, including the subject property, are located in an SR1 District, while the properties northeast of Highland/Lockwood are within an SR2 District.

V. ANALYSIS

A. Technical Considerations

The following table compares the required (pre-1953), existing and proposed dimensional conditions relevant to the petitioner's site for a Single Residence 1 District:

Single Residence 1 District Old Lot	Required	Existing	Proposed
Minimum lot size	15,000 sq. ft.	40,615 sq. ft.	40,615 sq. ft.
Minimum Frontage	100 ft.	284 ft.	284 ft.
Setbacks – Residence			
Front (Highland Street)	25 ft.	83.8 ft.	83.8 ft.
Front (Ascenta Court)	25 ft.	29 ft.	29 ft.
Side (North)	25 ft.	126 ft. ±	126 ft. ±
Rear (West)	12.5 ft.	38.1 ft.	38.1 ft.
Owner Occupied (<i>req'd for the accessory apartment</i>)	Yes	Yes	Yes
Max. Size of Acc. Unit	33 %	30.5 %	30.5 %
Setbacks: Acc. Structure			
Side (North)	5 ft.	2.9 ft.	2.9 ft.
Rear (West)	5 ft.	3.5 ft.	3.5 ft.
Parking spaces	3	3	3
Setbacks: Parking			
Front	25 ft.	104 ft.	18 ft.
Side	12.5 ft.	38 ft.	12 ft.
Gross Floor Area			
Main House	9,541 sq. ft.	9,541 sq. ft.	9,541 sq. ft.
Carriage House	4,201 sq. ft.	4,201 sq. ft.	4,201 sq. ft.
Building height	30 ft.	27 ft.	27 ft.
Max. # of stories	3	3	3
Max. building lot coverage	20 %	16 %.	15.9 %.
Min. amount of open space	65 %	66.7 %	72.8 %

As illustrated above, the existing carriage house is non-conforming with respect to the side and rear setbacks which is typical of carriage houses throughout the City of Newton. The petitioner did not propose any additions to the carriage house when converting it to an accessory apartment.

With the changes to the site plan, the petitioner has located two of the three parking spaces within required setbacks. One of the two spaces located adjacent to the house is approximately ½ ft. within the side setback. The third required space is shown in the

front setback. The two spaces next to the residence are well screened and the encroachment into the side yard setback is minimal. Although the Zoning Ordinance states that one stall per dwelling unit, in conjunction with a one or two family dwelling, may be located within the setback, the Planning Department believes that the third parking stall should be moved out of the front setback. The site and newly reconfigured driveway is sufficiently large enough to accommodate all parking outside the front setback. Also, pulling the parking area farther back from the road will help to maintain the estate character of the site and neighborhood. Evergreen screening along the south side of this parking space is needed to meet the screening intent of the previous Board Order. ***Prior to the Working Session, the petitioners should submit a revised site plan showing the parking area pulled out of the front setback and a revised landscape plan with sufficient screening for the third parking stall.***

In addition to the changes the parking area/driveway, the petitioners have also added a bank of 5 AC units along the side of the residence and 2 AC units approximately 9.1 ft. from the rear lot line. The revised site plan also includes a new retaining wall along the side yard and an approximately 500 sq. ft. raised patio at the southwest corner of the main house. ***It is important to note that the most recent survey plan is not consistent with the revised "Landscape Plan," dated 5 May 2004, stamped by Kanayo H. Lala, Registered Professional Engineer. Revised survey/site and plans should be submitted prior to the working session, that includes all recommended changes and are consistent with each other. The survey/site plan should include all necessary dimensions, including, but not limited to the setbacks of all structures and the three required parking stalls, parking stall (length and width), driveway width, the accurate location of all new and existing retaining walls, and updated open space and lot coverage calculations, in accordance with the Zoning Ordinance.***

B. Departmental Reviews

The City Engineer and the Assistant Fire Chief are expected to complete their reviews prior to the public hearing.

Based on recent reviews by the Fire Department, the Planning Department believes the Assistant Chief may have a concern related to access to the carriage house. The Planning Department believes that in lieu of completely paving this area, the petitioner may want to consider extending parallel "sidewalks," which could support the fire engine tires. (SEE ATTACHMENT "A") At a minimum, a paved walkway may need to be installed.

C. Relevant Site Plan Approval Criteria

1. Convenience and safety of vehicular and pedestrian movement.

The petitioners have removed approximately 90 feet (in length) of the existing driveway, including the turnaround, which had been located between the residence and the carriage house. Although shorter in length, the new driveway has been expanded, in most areas, particularly in front of the residence. Except for the possible concerns of emergency access to the accessory apartment, the reduction in the length of the driveway does not appear to impact the convenience or safety of pedestrian movement. As previously mentioned, the Planning Department believes that the third

parking stall, currently shown in the front setback, should be pulled back. Relocating this stall will enhance the streetscape, but should have no effect on site circulation.

2. Screening of parking areas and structures.

The petitioner proposes to add 41 arborvitae and several evergreen shrubs along the northern property line which should create an adequate screen for the 2 parking spaces adjacent to the residence as well as the “drive court.” Even if the third parking stall is pulled out of the required front setback, the vehicle will be visible from the public way. ***Prior to the working session, the petitioner should submit a revised landscape plan with sufficient screening of the front parking stall.***

VI. SUMMARY

The petitioner is seeking an amendment to their site plan and special permit to formalize changes that they have made to their site. The petitioner was granted a special permit for an accessory apartment, and resided in the carriage house, while renovating the main house.

The submitted as-built plan includes several changes that were deemed to be too substantial to handle as a simple consistency ruling. The most significant change is to the driveway and parking areas. The two parking stalls located adjacent to the residence should be well screened through plantings and retaining walls. The third stall is currently shown in the front setback; the Planning Department believes this stall should be moved closer to the residence. Additional landscaping should be incorporated into the site/landscaping plans to provide screening of the third parking stall. While the alterations to the driveway and parking areas do not appear to affect general pedestrian and vehicular movements, the Fire Department may be concerned about the lack of access to the accessory apartment. At a minimum, a clear, unobstructed walkway will likely need to be added to the site.

Prior to the Working Session:

1. ***The petitioner should respond to any issues that may be raised by the City Engineer and/or the Fire Department.***
2. ***The petitioner should submit a revised survey plan that takes into account all recommended changes included in this report, and which respond to any issues raised by the City Engineer and/or Assistant Fire Chief. The survey plan should show all necessary dimensions, including, but not limited to setback dimensions of all structures and parking stalls, parking stall dimensions (length and width), driveway width, accurate location of all new and existing retaining walls, and should include updated open space and lot coverage calculations, based on the ordinance requirements.***
3. ***The petitioner should submit a revised landscape plan that is consistent with the revised survey plan, and which includes landscape screening of the third parking stall (located in front of the residence).***